

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                         |
|--------------------------|---|-------------------------|
| -----X                   |   |                         |
| ALI MOORE,               | : | 22-CV-10957 (LGS) (RWL) |
|                          | : |                         |
| Plaintiff,               | : |                         |
|                          | : |                         |
| - against -              | : | <b>ORDER</b>            |
|                          | : |                         |
| CITY OF NEW YORK, et al, | : |                         |
|                          | : |                         |
| Defendants.              | : |                         |
| -----X                   |   |                         |

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order follows up on the Court's April 9, 2025 order at Dkt. 280 requesting information about the status of representation of certain individuals and entities that either had not been served or had been served but not appeared. Responses were received from both the City and NYCH&H. (See Dkts. 281, 285.) Because Plaintiff never filed a proposed Fifth Amended Complaint in response to the Court's order at Dkt. 256, and the operative pleading is the Fourth Amended Complaint, most of the individuals identified in the Court's April 9 order are not named parties to this action. Service on and appearance by those individuals therefore is moot. (Those individuals are Tapia, Angelone, Franklin, Pemberton, Senajour, Germansen, D. Lopez, Rivera, Cho, Ehimwenma, Allman, Herzberg, and Okoroma.) Defendants Moore and Eubanks, neither of whom are represented by the City or NYCH&H, have not appeared. Any motion for default judgment as to them shall be deferred until after the Court resolves Plaintiff's claims as to all other Defendants.

Named Defendants Vasquez and his putative employer Mount Sinai St. Lukes Hospital / Mount Sinai Health System appear not to have been served. While there is an

affidavit of service for “New York City Fire Department EMT/EMS Vasquez,” service was made at a NYC facility inasmuch as Vasquez was identified as being affiliated with the NYC Fire Department. (Dkt. 44.) Only later did it become evident that the relevant EMT/EMS Vasquez was associated with Mt. Sinai. Even though it is Plaintiff’s obligation to ensure proper service – even with the assistance of the U.S. Marshal – and even though the Court warned as long ago as February 6, 2024, that failure to effect service on various defendants, including EMT/EMS Vasquez and Mt. Sinai St. Lukes Hospital, by March 27, 2024, would result in dismissal of those defendants (Dkt. 141), the Court finds that the interests of justice warrant an additional but final opportunity to serve Vasquez and Mt. Sinai with the assistance of the U.S. Marshal. Accordingly:

1. The Clerk of Court is respectfully directed to issue a new summons for and provide service packages (including the Fourth Amended Complaint) to the U.S. Marshal for service on the following:

Mount Sinai Morningside (formerly known as Mount Sinai St. Luke’s)  
1111 Amsterdam Avenue  
New York, NY 10025

EMS/EMT Vasquez  
Mount Sinai Morningside (formerly known as Mount Sinai St. Luke’s)  
1111 Amsterdam Avenue  
New York, NY 10025

2. The U.S. Marshal is respectfully directed to promptly effect service on Mount Sinai Morningside and EMS/EMT Vasquez and to file an affidavit of service or attempted service.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 16, 2025  
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this order to the pro se Plaintiff and note service on the docket.